

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EMMA DUNN, et al.,

Plaintiffs,

v.

BRISTOL WEST dba FARMERS
INSURANCE GROUP, et al.,

Defendants.

Case No. 1:25-cv-00563-KES-SAB

ORDER DISMISSING THE ACTION
WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO PAY THE FILING FEE

On July 23, 2025, the Court ordered plaintiffs to pay the \$405 filing fee within 30 days as plaintiff Alana Dunn was not entitled to proceed *in forma pauperis* in this matter. Doc. 13. The Court warned plaintiffs that failure to pay the required filing fee as ordered would result in dismissal of this action without further notice. *Id.* at 2. Despite the Court's warning, more than 30 days have passed, and plaintiffs have failed to pay the required filing fee. Without such payment, the action cannot proceed before the Court. *See Saddozai v. Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

In finding dismissal is appropriate, the Court has considered the factors outlined by the Ninth Circuit for terminating sanctions, including: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir.

1 1986). The public's interest in expeditiously resolving this litigation and the Court's interest in
2 managing the docket weigh in favor of dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d 983,
3 990 (9th Cir. 1999) ("The public's interest in expeditious resolution of litigation always favors
4 dismissal"); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (district courts have inherent
5 interest in managing their dockets without being subject to noncompliant litigants). Because
6 defendants have not appeared yet and the action cannot proceed if plaintiffs have not paid the
7 filing fee, the third factor also supports dismissal. Finally, the Court's "a district court's warning
8 to [plaintiffs] that [] failure to obey the court's order [would] result in dismissal [] satisf[ies] the
9 'consideration of alternatives' requirement." *Ferdik*, 963 F.2d at 1262. Consequently, the
10 *Henderson* factors weigh in favor of dismissal for plaintiffs' failure to pay the filing fee as
11 ordered. *Malone v. U.S. Postal Service*, 833 F.2d 128, 133 n.2 (9th Cir. 1987) (explaining that
12 although "the public policy favoring disposition of cases on their merits ... weighs against
13 dismissal, it is not sufficient to outweigh the other four factors").

14 Accordingly:

- 15 1. Plaintiff's complaint is DISMISSED without prejudice.
- 16 2. All pending matters, including the motion to amend the caption, Doc. 10, are
17 terminated.
- 18 3. The Clerk of Court is directed to close this case.

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21 IT IS SO ORDERED.

22 Dated: October 21, 2025



UNITED STATES DISTRICT JUDGE